

**REMARKS**

The Office Action dated March 8, 2005 has been reviewed and carefully considered. Claim 22 has been redrafted into independent form, without otherwise being revised. Claim 40 has been added. Claims 1-40 are pending, the independent claims are 1, 9, 19, 22, 26, 33 and 40. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 19, 20 and 25 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,850,488 to Wesley et al. ("Wesley").

Claim 19, as amended, recites, "the adjusted rate being a function of said determined bandwidth capacity of said network."

Support for the amendment of claim 19, and all other independent claims, is found at least in equations (1), (3) and (4).

Wesley discloses a conventional system in which a transmitter receives feedback information from a receiver if the receiver experiences congestion, but fails to disclose or suggest the above-quoted aspect of claim 19.

For at least this reason, Wesley fails to anticipate the present invention as recited in claim 19.

Claims 1-3, 5-10, 12-16, 21-24, 26-28 and 30-37 stand rejected under 35 U.S.C. 103(a) as unpatentable over Wesley in view of U.S. Patent No. 6,577,599 to Gupta et al. ("Gupta").

Claim 22, now drafted into independent form but not otherwise revised, recites:

if no congestion occurs, said adjusting means increase the number of

packets transmitted by said source node at a first rate and at a second rate if a predetermined range of the bandwidth capacity of said network is utilized.

The Office Action cites lines 28-39 of column 11 in Gupta for disclosure of the underlined portion in the above quote, but this passage fails to make such a disclosure.

For at least this reason, the cited combination of references fails to render obvious the present invention as recited in claim 22.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 1, as amended, recites, “adjusting a sender rate . . . according to a first function of the determined bandwidth capacity.”

None of the applied references discloses or suggests this aspect of claim 1.

Support for the amendment of claims 5-7 is also found at least in formulas (1), (3) and (4).

Claim 9, as amended, recites, “increasing said sender rate of said source node according to a first function of the determined bandwidth capacity.”

Claim 9, therefore, likewise distinguishes patentably over the applied references, for at least this reason.

Claim 26, as amended, recites, “adjust said sender rate at which said source node is currently transmitting the data according to a first function of the determined bandwidth capacity.”

Claim 26, therefore, likewise distinguishes patentably over the applied references, for at least this reason.

Claim 33 recites, “increase said sender rate of said source node according to a first function of the determined bandwidth capacity.”

Claim 33 likewise distinguishes patentably over the applied references for at least this reason.

Claims 4, 5, 11 and 29 stand rejected under 35 U.S.C. 103(a) as unpatentable over Wesley in view of Gupta and U.S. Patent No. 6,400,686 to Ghanwani et al. (“Ghanwani”).

Claims 4, 5, 11 and 29 depend from base claims 1, 9 and 26, respectively. Ghanwani relates to flow control but cannot make up for the shortcomings in the other references.

Claims 17, 18, 38 and 39 stand rejected under 35 U.S.C. 103(a) as unpatentable over Wesley in view of Gupta and what the Office Action characterizes as admitted prior art on pages 2 and 3 of the present specification (“AAAPA”).

Claims 17, 18, 38 and 39 depend from base claims 9 and 33, respectively. Refuge cannot be found in the applicant’s specification, since the applicant’s specification clearly distinguishes what was known from the above-quoted aspects of the independent claims.

Support for the amendment of claim 17 is found in the specification (e.g., page 12, line 16).

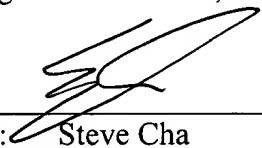
New claim 40 finds support is claim 1 and in FIG. 3, including its accompanying text in the specification. Claim 40 distinguishes over the cited references for at least the same reasons set forth above with regard to the other independent claims.

A check for \$400.00 (2 x \$200.00) is enclosed in payment of the fee for adding two, additional independent claims in excess of three.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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